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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/049,927 03/30/98 ARNAUD

P 2350-60

HM12/0128

EXAMINER

HUANG, E

ART UNIT

PAPER NUMBER

1612

13

DATE MAILED:

01/28/00

B. J. SADOFF
NIXON & VANDERHYE, P.C.
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

se find below and/or attached an Office communication concerning this application or
eeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/049,927

Applicant(s)

Arnaud

Examiner

Evelyn Huang

Group Art Unit

1612



☒ Responsive to communication(s) filed on Oct 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 13-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 13-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1612

1. Claims 13-37 are pending.
2. Applicants' argument traversing the 112 first paragraph rejection for claims 13-37 has been carefully considered. While applicant does have support for the 'solid silicone composition' in the specification as indicated in the response dated 2-17-99 and 10-14-99, address directed to polyethylene '*solidifying agent*' is not found in these responses. Furthermore, there is no description of polyethylene '*solidifying agent*' as recited in the instant claims. Therefore, the 112 first paragraph rejection is maintained for claims 13-37.
3. The 103 rejection for claims 13-37 over Yoshioka (4940561) is withdrawn upon reconsideration in view of Applicant's remarks. Since PTO has held that Stepniewski's declaration has rendered the same claims unobvious over Yoshioka and the declaration is now part of the public record, the present applicants are allowed to demonstrate the patentability of these claims based on the evidence previously submitted by Stepniewski.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn Huang whose telephone number is (703) 305-7247.


EVELYN MEI HUANG
PRIMARY EXAMINER

January 27, 2000